

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

SHIRLEY RAEL, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

v.

Case No. 1:22-cv-00446-GJF-KK

ALDRIDGE, HAMMAR & WEXLER, P.A.,

Defendant.

**UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT AGREEMENT, CONDITIONAL CERTIFICATION OF SETTLEMENT
CLASS, AND APPROVAL OF CLASS NOTICE**

Plaintiff, SHIRLEY RAEL (“Plaintiff”), though her attorneys, individually and on behalf of the proposed Settlement Class, hereby moves this Honorable Court for entry of Order: (1) granting preliminary approval of the Settlement; (2) approving the Notice Program, as set forth in the Declaration of G. Thomas Martin, III, and directing commencement of notice as set forth in the Settlement Agreement and Notice Program; (3) conditionally certifying the Settlement Class; (4) approving the form and content of the Long Form Notice and Direct Mail Notice attached as Exhibits C and D to the Settlement Agreement; (5) appointing Plaintiff as Class Representative; (6) appointing G. Thomas Martin, III of Martin & Bontrager, APC and Blake J. Dugger of Law Offices of Blake J. Dugger, P.C. as Co-Lead Class Counsel; (7) appointing Epperly Resolutions (“Epperly”) as Settlement Administrator; and (8) scheduling a Final Fairness hearing to consider entry of a final order approving the Settlement, final certification of the Settlement Class for settlement purposes only, and the request for attorneys’ fees, costs, and expenses, and plaintiff service awards.

Although Defendant contends it has a reasonable grounds to defend Plaintiff’s claims and challenged certification of the Settlement Class, it has agreed, for settlement purposes only, not to oppose, and thereby consents to the relief requested herein.

This motion is based on Plaintiff’s memorandum in support of the motion for preliminary approval and certification of the settlement class, the accompanying declarations of Shirley Rael and

G. Thomas Martin, III, the complete file and record in this action and such oral argument as the Court may consider in deciding this motion.

Dated: February 3, 2023

RESPECTFULLY SUBMITTED,
MARTIN & BONTRAGER, APC

By: /s/ G. Thomas Martin, III
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